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NOTIFICATIONS BY GOVERNMENT

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HIGHER EDUCATION DEPARTMENT
(UE)

THE ANDHRA PRADESH HIGHER EDUCATION REGULATORY AND MONITORING COMMISSION - APPROVAL OF THE ANDHRA PRADESH HIGHER EDUCATION REGULATORY AND MONITORING COMMISSION REGULATIONS, 2020.

[G.O.Ms.No.12, Higher Education (UE), 4th March, 2020.]

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 22 of the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019 (Act.No.20 of 2019), the Government hereby approve the following Regulations prescribing to the Andhra Pradesh Higher Education Regulatory and Monitoring Commission, namely:

REGULATIONS

1. Short title and commencement:-

(1) These Regulations may be called the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Regulations, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette of Andhra Pradesh.

2. Definitions: In these Regulations unless the context otherwise requires: -

(a) "Act" means Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019 (Act No. 20 of 2019).

(b) "Commission" means Andhra Pradesh Higher Education Regulatory and Monitoring Commission.

(c) "Institution" means Higher Educational institution(s) as defined in sub-section (5) of Section 2 of the Act.

(d) "Rules" means Andhra Pradesh Higher Education Regulatory and Monitoring Commission Rules, 2019.

(e) "State Council" means Andhra Pradesh State Council of Higher Education.

3. Conduct of meetings of the "Commission":-

(1) The Commission may invite any eminent persons for its meetings as and when required.

(2) The Commission shall regulate its procedure for carrying out the provisions of the Act.

(3) The Commission shall be represented by its Secretary, who shall be the CEO, of the Commission.

(4) The minutes of the meeting of the Commission, all orders and the decisions of the Commission shall be authenticated by the Chief Executive Officer (CEO) of the Commission.

(5) To discharge its functions efficiently under the Act, the Commission shall engage the required number of officers and other staff as and when required as per Rules.

4. Regulations under Chapter III of the "Act":

(1) The Commission, in addition to the procedures in vogue, may frame its procedure to take all such steps as necessary for ensuring coordinated and integrated development of Higher Education and maintain high standards to perform its functions under the Act; such as

(a) Standards of admission, teaching, examination, research, qualification of teachers, infrastructure,

(b) Monitor and regulate the fee,

(c) Regulate aspects of the conduct of entrance test/ admissions,

(d) Service conditions of teachers of Higher Educational Institutions,

(e) Grievances of students and parents, and

(f) Carrying out the provisions of Section 32 of Andhra Pradesh Private Universities (Establishment and Regulation) Act, 2016.

(2) The Commission may frame its procedure to ensure that all Higher Educational Institutions comply with the Guidelines on information disclosure to monitor and evaluate their performance in coordination with the Central and the State regulatory bodies.

(3) The Commission may regulate its procedure to take appropriate action and impose an appropriate penalty as per the rules for contravention of any provisions of the Act, rules or regulations depending upon the situation and gravity of contravention.

(4) The Commission shall have the power to request a Higher Educational Institution to furnish information as may be necessary for enabling the Commission to regulate the conduct of admission(s) and/or to fix the fee in respect of each course offered in the Institution (s).

(5) The admissions under the Management quota shall be made by strictly following the merit amongst candidates qualified for consideration under Management Quota.

(6) At the time of counseling conducted by the concerned authority including Andhra Pradesh State Council for Higher Education, the original certificates shall be verified and returned to the student concerned by withholding copy of certificates attested by gazetted officer. During the course of study, if any Higher Educational Institutions wants to verify the certificates, the Higher Educational Institutions shall in writing direct the concerned student to produce the original certificates which shall be returned within a period of one week from the date of deposit.

5. GUIDELINES TO COMPLY WITH THE PROVISIONS OF THE ACT BY THE INSTITUTIONS:

(1) The Commission shall review and monitor the performance of the teachers and institutions, as it may desire.

(2) The institution shall maintain GEO based Biometric attendance with CC Cameras, of the students, teaching and non-teaching staff and link it with the affiliating University, Government and the Commission.

(3) The institutions shall maintain harmonious and serene atmosphere, as per UGC guidelines on safety and security of students on the campus. If any ragging or any untoward incident takes place in the campus of the institution/hostels etc., the Commission shall initiate appropriate action against the institution(s).

(4) The Institutions are liable for appropriate action for any malpractice with regard to either admissions and/or conduct of examinations and evaluation.

(5) The Commission shall decide whether the fees collected or proposed to be collected by the Institutions, whatsoever under all heads including hostel & mess charges, is justified and does not amount to profiteering or charging of capitation fee. The decision of the Commission shall be final provided that such decision shall be taken only after giving a reasonable opportunity to the institution to represent its case.

(6) For furnishing the fee proposal by the Institution, the Institutions shall submit audited statements of income and expenditure, balance sheets and particulars of expenditure including salaries, infrastructure, hostel & mess facilities and such other information as the Commission may prescribe along with the necessary supporting documents, ledgers and Bank statements in PDF files.

(7) The fee proposals furnished by the Institutions have to be evaluated based on the income and expenditure of the Institutions as well as the societies/trusts under whose umbrella the said Institutions are established.

(8) The Institutions shall submit all the required financial information as per the mercantile (accrual) system of accounting only.

(9) The Institution shall submit the required information such as the details of the fee collections, income and expenditure statements, teaching and non-teaching staff salaries of all kinds, administrative and other expenses, statement of revenue grants received, utilization of amounts collected under the NRI quota, details of Term Deposits of the Institutions, details of the loans received from the Societies, Banks/Financial Institutions and loans received from other non-banking Financial Institutions, statements of corpus / capital fund, capital grants received and utilised, grants/funds received from any source on account of research projects and their utilization details, legal expenditures, student result particulars and other information.

(10) In order to consider the expenditure on teaching and non-teaching staff, the cadre strength fixed by the respective regulatory authorities and accreditation bodies needs to be adopted.

(11) The faculty norms and qualifications shall be, as per the notifications and the guidelines issued by the concerned regulatory authorities.

(12) In case of any infrastructure and/or services of any staff utilized for more than one programme, the expenditure on such infrastructure and/or staff shall be apportioned appropriately, based on students strength, among the different programmes.

(13) Teaching faculty should be qualified. Non-qualified teaching faculty will not be counted/ considered for the purpose of the expenditure.

(14) Permanent Account Number (PAN) for the teaching faculty and the non-teaching staff is mandatory and the Permanent Account Number (PAN) data shall be furnished in their pay slips.

(15) If no Permanent Account Number (PAN) / wrong Permanent Account Number (PAN) data of any employee is given, the expenditure to that extent will not be considered.

(16) AADHAAR number has to be indicated in pay slips both for the teaching faculty and non-teaching staff.

(17) Payment of salaries through account payee cheque/ electronic transfer shall only be considered for expenditure purpose in respect of teaching faculty and non-teaching staff. Cash payments shall not be considered.

(18) The Audit report shall contain the signature of the auditor, his name, Institute of Chartered Accountants of India (ICAI) membership number along with the information of Permanent Account Number (PAN) of the auditor, online Unique Document Identification Number (UDIN) generated from Institute of Chartered Accountants of India (ICAI), email id of the auditor, cell number of the auditor and if the auditor is a partner of the firm, the firm Institute of Chartered Accountants of India (ICAI) registration number, Permanent Account Number (PAN) of the firm, email id of the firm and the contact number. The Institutions shall submit IT return along with Form-10B/9A.

(19) The Institutions shall maintain details of student fee collection and utilization, salaries of teaching and non-teaching staff, faculty details subject wise, particulars of infrastructure and other expenditure and furnish the same online to the Commission.

(20) If the details required under these guidelines are not furnished or the financial statements furnished are found inaccurate, the financial statements shall not be considered for the fee proposals.

(21) The institutions are required to maintain and submit programme wise statement of income and expenditure along with schedules.

(22) All particulars should be uploaded online. The Institution shall provide a hard copy of the uploaded information duly signed by the auditor and the Head of the Institution /their authorized person, by remitting prescribed processing charges. The charges shall be credited to the Commission Account bearing Current Account Number.62267545701, IFSC code SBIN0012870, State Bank of India, Tadepalli Branch, Guntur District.

(23) If a society/ trust runs more than one Institution, the data/ information shall be furnished institution wise.

(24) The Institution shall maintain service register (SR) of teaching and non-teaching staff and updated with all the statutory deductions such as EPF, ESI, etc.,

NOTE:-

(a) All the above guidelines can be used for different programmes by changing the number of years of course as deemed fit. For example, 4 years of duration for undergraduate courses (3 years for Lateral Entry) and 2 years for PG Programmes etc.

(b) Any expenditure that does not directly relate to the students' education on items such as transport facilities used for students, hostel accommodation etc., shall not be considered.

(25) Projected expenditure like advertisement of the Institution for the ensuing year (s), purchase of equipment, new recruitment to be made shall be met from the funds earmarked for the furtherance of the education.

(26) Interest on the loan given by the society to its Institutions in respect of the internal funds will not be taken into consideration.

(27) When an Institution is running more than one programme, the income and expenditure statement and Balance sheet shall be bifurcated and bifurcated statement certified by the Auditor shall be furnished along with the fee proposals. If it is not done, the proposals will be summarily rejected.

(28) Tax Deducted at Sources (TDS) returns filed in Form 24 Q and 26Q under Income Tax Act shall be submitted along with the proposal.

(29) Expenditure shown, without corresponding income, shall be disallowed.

(30) Student faculty ratio as prescribed by the Central Regulating Authorities is to be maintained by the Institution(s).

(31) If the Institution violates any of the conditions stipulated by the regulatory bodies or causes injustice to the staff of the institute, the Institute is liable for appropriate action.

(32) The average per seat cost of imparting education shall be on the basis of guidelines and Instructions issued by the Regulatory Authorities and Commission from time to time.

(33) The allowance for future development shall be in the range of 6% to 10% based on the investment made in the infrastructure in last three years will be considered.

(34) The fee approved by the Commission at any point in time shall be valid for a period of three years next; and subsequent change in fees, if any, shall be applicable only in respect of new admissions.

(35) The Commission may recommend the fee in Private Aided or Unaided Higher Educational Institution for different professional programmes of study and different categories of students, having due regard to the guidelines, if any, notified by Regulatory Authorities from time to time.

(36) (a). The principle of determining uniform fee structure for all students of Higher Education Institutions shall not come in the way of determining differential fee structure to benefit the more meritorious sections of students admitted under the convener quota from that of the Management and NRI quota;

(b) The institution shall be at liberty to collect the fee for the Management quota seats up to two (2) times of the fee notified for the Convener quota of seats in order to maintain quality of education by providing proper infrastructural and instructional facilities and amenities;

(c) The higher fee collected for the NRI quota seats shall be credited to a separate bank account and the same shall be used only for the benefit of students belonging to Backward Classes, Economically Weaker Sections and/or for increasing infrastructure facilities. The institution shall also furnish all the information pertaining to proposed utilization of the excess fee collected for the seats meant for the NRI category students in the information memorandum which may be submitted along with fee proposals for the next block of 3 years.

(37) (a) The management of Higher Education Institutions shall record attendance of students period-wise by biometric attendance system and such attendance system shall be linked to the Commission, concerned University, and the Government;

(b) The salary expenditure of teaching and non teaching staff shall be authenticated by Biometric attendance;

(38) (a) The fee for ensuing year will be decided based on the projected cost for the ensuing year in addition to taking into consideration of the actual cost for the year preceding the previous year and estimated cost of the last year.

(Illustration: The fee for the year 2019-20 will be decided based on the projected cost for the year 2019-20 in the background of the actual cost for the year 2017-18 and estimated cost for the year 2018-19).

(b) The depreciation shall be calculated on the basis of the useful life of the asset (other than land).

The useful life or residual value of any specific asset was notified for accounting purpose by Central Government under Companies Act, 2013. Depreciation rates and methods of depreciation specified therein under Schedule-II to Companies Act shall be applicable to Higher Educational Institutions for the purpose of calculation of depreciation. Depreciation calculated based on such rates/methods as specified herein above shall be considered for fee fixation. Either in case of rented accommodation or depreciation will be allowed on the buildings (the lower of the two will be taken into consideration). In respect of rents the Institution shall obtain Rent Fixation Certificate from the concerned Executive Engineer of R & B Department and registered rental Agreement should be provided;

(c) In addition to financial costs the Commission will conduct academic and administrative auditing to measure performance of the Institution. Based on such audit reports and/or other material/ information, the Commission will rate the Institution for the purpose of fee fixation;

(d) The data submitted by the Institution to All India Council of Technical Education (AICTE) for extension of approval shall be made accessible to the affiliating University as well as to the Commission in order to corroborate the data for the purpose of renewal or approval and for the fee determination by the Commission;

(e) Any expenditure incurred in respect of which payment is made for a sum exceeding Rs.5,000/- (Rupees five thousand) in respect of single transaction otherwise than by an account payee cheque drawn on a bank or by an account payee bank draft or through use of electronic clearing system/UPI, shall not be considered for fee fixation. Even depreciation on capital assets purchased in cash shall be disallowed for fee fixation.

(39) In the event of any unauthorized or unlawful receipt or recovery of salaries already disbursed or paid to the staff (both teaching and non-teaching) the institution or such person who indulged in such action shall be liable to pay penalty as may be levied by the Commission on due enquiry either suo-moto or on complaint.

5. (A) Procedure to be adopted for filling Pro-forma:-

- (i) The codes allotted by the respective conveners to the institution shall be used, for example: EAMCET code for Engineering College;
- (ii) Financial details shall be furnished in rupees only;
- (iii) The "per student" fee proposed should be programme wise and the programme duration (block period) to be shown in the general information sheet;
- (iv) Audited financial statements for the programme period and also the projected figures for the forthcoming year must be submitted duly attested by the Secretary/Correspondent of the Society/Trust shall also to be furnished along with information relating to the institution together with the fee proposals. Scanned copy of the statement shall be submitted online along with the relevant data;
- (v) If the institution furnishes incomplete data or fails to remit the processing charges as prescribed, such proposals will not be considered and will be ignored;
- (vi) The Commission shall have the power to prescribe the processing and other fee payable by the Higher Educational Institutions from time to time.

5 (B) Documents to be submitted along with the fee proposals: -

- (i) Formats duly filled in and signed by the Secretary/ Correspondent/ Director / Principal of the Institution;
- (ii) Proof of depositing the processing charges;
- (iii) Audited financial statements of the previous two financial years and the projected figures for the next financial year duly certified by Secretary/Correspondent of the Society/Trust;
- (iv) Copies of the Bank Statements, cash/ Bank book together with ledgers (Books of Accounts), Index to Ledgers and copy of ITR-7 (Income Tax Return) filed with the Income Tax Department; (All the information should be in PDF Format only)
- (v) Details of sanctioned and actual intake for each course;
- (vi) Details of current status of affiliation, accreditation and programme-wise; if any;
- (vii) Other information/documents, if any relating to the fee proposal;

(viii) An Institution which is unresponsive or does not submit statements of income and expenditure, audited balance sheets, and requirements for developmental needs; particulars of expenditure incurred on salaries and infrastructure and other particulars as may be specified (with supporting bills, vouchers etc.) or submits proposals with incomplete data, will not be entitled for determination of the fee and will not be allowed to collect any fee from the students;

(ix) A teacher is the bedrock of the foundation on which the future of the nation is built. Hence, the emphasis should be on qualified teachers and quality teaching. The institutions should be equipped with adequate infrastructure such as laboratories, libraries, equipment, play grounds, classroom accommodation, seminar halls, and the total extent of the land shown by them to the affiliated authority as per the concerned regulation etc;

(x) The justified proposal of the institutions for fee structure, which shall not amount to profiteering or capitation fee, should be submitted by fulfilling all the guidelines of the concerned regulatory authorities.

6. Form and Manner of maintenance of Accounts of the Commission:-

Books of account shall be kept on accrual basis and according to the double entry system of accounting either manually or computerised accounting to record all the financial transactions of the Commission. Once in every year, financial statements in the form of income & expenditure and balance sheet referred to as the statement of financial position shall be prepared. These statements shall be audited by a Chartered Accountants appointed from the list of eligible Chartered Account (C.A) firms empanelled with Comptroller and Auditor General (CAG), New Delhi. The financial statements along with audit report and Comptroller and Auditor General (CAG) observations if any shall be placed before the Commission and replies prepared thereon shall be furnished to Accountant General.

7. The Commission, from time to time based on the workload and the need of such work force, will decide the requirement of officers and other staff, over and above the posts sanctioned by the Government. The mode of appointment of such staff shall be on contractual, outsourcing or deputation basis.

8. Any changes or amendments are to be made to the regulations at any time, the same amendments shall be made by the Government.

9. RECOMMENDATIONS:

(i) Digital Wellbeing Council: The Commission recommends the Institutions to constitute a Digital Wellbeing Council to monitor the right use of the technology.

(ii) Life Skill Development Council: The Commission recommends the Institutions to constitute a Life Skill Development Council to encompass Education as a mix of Knowledge, Behaviour, Attitude, Culture and Values, Imparting interpersonal, Psychosocial skills to the student community at large making them cooperative, impactful global citizens and creative leaders for tomorrow.

10. In case of any doubt or ambiguity is raised on the interpretation of the above Regulations, the decision of the Government shall be final.

SATISH CHANDRA,

Special Chief Secretary to Government.

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